



500 Fifth Avenue, 40th Floor
New York, NY 10110
tel: 212-257-4880
fax: 212-202-6417

www.shapiroarato.com

Alexandra A.E. Shapiro
ashapiro@shapiroarato.com
Direct: 212-257-4881

November 17, 2018

VIA ECF

The Honorable Nicholas G. Garaufis
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: *United States v. Raniere, et al.*, No. 18-cr-204 (NGG)

Dear Judge Garaufis:

We respectfully submit this letter on behalf of all Defendants concerning the initial pretrial motions filed yesterday. To assist the Court in its review, Defendants provide the following summary, which lists the motions that are directed against each count of the Indictment. Furthermore, as indicated below, Defendants join each other's motions to the extent applicable.

Count One: RICO Conspiracy / All Defendants

- Clare Bronfman, Kathy Russell, and Nancy Salzman (joined by all Defendants) move to dismiss Count One, or at a minimum most of the predicate acts, for failure to allege a “pattern” of racketeering.
- Clare Bronfman, Kathy Russell, and Nancy Salzman (joined by all Defendants) move to dismiss Count One as impermissibly duplicitous, or alternatively for an order directing the government to elect which RICO conspiracy it will prosecute.
- Clare Bronfman, Kathy Russell, and Nancy Salzman (joined by all Defendants) move to dismiss Count One as unconstitutionally vague.
- Keith Raniere (joined by all Defendants) moves to dismiss Count One for failure to allege a sufficient enterprise or a horizontally-related pattern of racketeering activity.
- Clare Bronfman, Kathy Russell, and Nancy Salzman (joined by all Defendants) and Keith Raniere (joined by all Defendants) move to dismiss the following predicate acts for failure to specify the underlying offenses or allege essential elements:

The Hon. Nicholas G. Garaufis
November 17, 2018

Page 2

- Racketeering Act 1-A: Identity Theft Conspiracy / Raniere and Russell
 - Racketeering Act 1-B: Identification Document Conspiracy / Raniere and Russell
 - Racketeering Act 2-A: Identity Theft Conspiracy / Raniere, Bronfman, Russell, and Nancy Salzman
 - Racketeering Act 2-B: Identity Theft / Raniere and Russell
 - Racketeering Act 2-C: Identity Theft / Raniere and Bronfman
 - Racketeering Act 4: Identity Theft Conspiracy / Raniere
 - Racketeering Act 5-A: Encouraging and Inducing Illegal Entry / Bronfman
 - Racketeering Act 5-B: Money Laundering / Bronfman
 - Racketeering Act 6-A: Labor Trafficking / Raniere and Lauren Salzman
 - Racketeering Act 6-B: Document Servitude / Raniere and Lauren Salzman
 - Racketeering Act 10: Identity Theft Conspiracy / Raniere and Bronfman
- Lauren Salzman (joined by all Defendants) moves to dismiss the following predicate acts on the grounds that they are unconstitutionally vague, fail to state an offense, are not alleged with adequate particularity, and/or are multiplicitous:
 - Racketeering Act 7: State Law Extortion / Raniere, Mack, and Lauren Salzman
 - Racketeering Act 9-A: Forced Labor / Lauren Salzman
 - Racketeering Act 9-B: State Law Extortion / Lauren Salzman
 - Keith Raniere and Allison Mack (joined by all Defendants) move to dismiss Racketeering Act 8.

Count Two: Forced Labor Conspiracy / Raniere, Mack, and Lauren Salzman

- Allison Mack (joined by Keith Raniere and Lauren Salzman) moves to dismiss Count Two for failure to allege the offense with adequate particularity.
- Allison Mack (joined by Keith Raniere and Lauren Salzman) moves to dismiss Count Two for failure to state an offense.

Count Four: Sex Trafficking Conspiracy / Raniere and Mack

Count Five: Sex Trafficking / Raniere and Mack

Count Six: Attempted Sex Trafficking / Raniere and Mack

- Allison Mack (joined by Keith Raniere) moves to dismiss Counts Four, Five, and Six for failure to allege the offenses with adequate particularity.
- Allison Mack (joined by Keith Raniere) moves to dismiss Counts Four, Five, and Six for failure to state an offense.
- Allison Mack (joined by Keith Raniere) moves to dismiss Counts Four, Five, and Six as unconstitutionally vague.

The Hon. Nicholas G. Garaufis
November 17, 2018

Page 3

- Keith Raniere (joined by Allison Mack) moves to dismiss Counts Four, Five, and Six because the allegations are duplicitous and fail to set forth a factual violation of the sex trafficking statute.

Count Seven: Identity Theft Conspiracy / Raniere and Bronfman

- Clare Bronfman (joined by Keith Raniere) moves to dismiss Count Seven for failure to allege essential elements.
- Clare Bronfman (joined by Keith Raniere) moves to dismiss Count Seven for lack of venue.

Other Motions

- Clare Bronfman, Kathy Russell, Nancy Salzman, Allison Mack, and Lauren Salzman (all joined by Keith Raniere) move for a bill of particulars.
- Keith Raniere (joined by all Defendants) moves for prompt disclosure of *Brady* materials.
- Keith Raniere (joined by all Defendants) moves to obtain the trial testimony of foreign witnesses.

From the Court's Order dated October 15, 2018, we understand that the Court will not set a schedule for other types of pretrial motions (such as those related to discovery and severance) until after the court reviews these initial motions. If the Court denies their motions to dismiss, Defendants anticipate filing such motions, including motions for severance and suppression.

Respectfully submitted,

/s/ Alexandra A.E. Shapiro

Alexandra A.E. Shapiro

cc: Counsel of Record (by ECF)